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Page: 1

Channel: n

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PAGE 01 BUENOS 04729 092104Z  
ACTION ARA-15

INFO OCT-01 ADS-00 HA-05 CIAE-00 INR-10 NSAE-00 IO-14  
SS-15 NSC-05 /065 W

P 092031Z JUN 80  
FM AMEMBASSY BUENOS AIRES  
TO SECSTATE WASHDC PRIORITY 5647

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E.O. 12065: XDS-1 6/9/00 (CHAPLIN, MAXWELL) OR-M  
TAGS: SHUM AR

SUBJECT: (U) DETAINEE RELEASES - STATUS OF PEN PRISONERS

011197 092133Z /14  
ARGENTINA PROJECT (S200000044)  
U.S. DEPT. OF STATE, A/RPS/IPS  
Margaret P. Grafeld, Director  
(☒) Release (☐) Excise (☐) Deny  
Exemption(s):  
Declassify: (☐) In Part (☒) In Full  
(☐) Classify as (☐) Extend as (☐) D  
Date Declassify on

1. [REDACTED] - ENTIRE TEXT.

2. EMBASSY OFFICER DISCUSSED GOA PLANS FOR RELEASES OF  
PEN DETAINEES ON JUNE 5 WITH ARGENTINE OFFICIAL WHO IS  
WELL INFORMED ON THESE MATTERS. HE MADE THE FOLLOWING  
POINTS:

A. THERE ARE PRESENTLY APPROXIMATELY 1,600 PEOPLE IN  
JAIL ON OTHER THAN COMMON CRIMINAL CHARGES. APPROXIMATELY  
800 OF THESE HAVE BEEN SENTENCED AFTER MILITARY OR CIVILIAN  
TRIALS. THE OTHER 800 ARE BEING HELD JUST UNDER PEN.

B. BY THE END OF THE YEAR THE GOVERNMENT PLANS TO HAVE  
A TOTAL OF APPROXIMATELY 1,000 PRISONERS IN BOTH  
CATEGORIES.

C. THE JUNTA WILL MEET LATER IN JUNE AND AGAIN IN OCTOBER  
TO CONSIDER THE RELEASE OF PRISONERS FROM PEN. PRIOR TO  
THESE TWO MEETINGS THE VARIOUS CONCERNED GOA AGENCIES WILL  
DEVELOP THE LISTS OF PROPOSED RELEASEES. (IT SEEMS THE JUNTA  
MEETING WILL BE TO RUBBER-STAMP THE PROPOSALS.)

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PAGE 02 BUENOS 04729 092104Z

1. THE FIRST LIST OF PROPOSED RELEASEES SHOULD NUMBER  
APPROXIMATELY 200. MOST WOULD BE FREED UNDER "SUPERVISED

Current Class: [REDACTED]

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Current Class: [REDACTED]  
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UNCLASSIFIED

Page: 2  
Channel: n/

FREEDOM." A SMALLER NUMBER MIGHT BE GIVEN "RIGHT OF OPTION."

E. BY THE END OF THE YEAR THE OFFICIAL WITH WHOM WE TALKED EXPECTS THAT THERE WOULD BE NO MORE THAN 300 CASES REMAINING UNDER PEN, ALMOST ALL OF THEM OF THE "HARD CORE" CASES. THE GOA FEELS THESE CASES ARE TOO DANGEROUS TO RELEASE BUT FOR VARIOUS REASONS UNDER PRESENT LAWS PRISONERS WITHIN THE CATEGORY CANNOT BE TRIED OR RETRIED. THE GOVERNMENT IS NOW CONTEMPLATING SPECIAL LEGISLATION WHICH WOULD MAKE POSSIBLE TRIALS FOR THESE INDIVIDUALS UNDER A STATUTE OF "CLEAR AND PRESENT DANGER," A PROCEDURE OUR SOURCE CLAIMED HAS PRECEDENTS IN EUROPEAN LAW. HE DID NOT FORESEE SUCH A LAW'S BEING ENACTED BEFORE THE END OF THE YEAR. HE DID SAY THAT IF AND WHEN THE LAW IS ENACTED THOSE CHARGED WITH VIOLATING IT WOULD BE TRIED IN CIVILIAN COURTS.

3. COMMENT: OUR SOURCE'S TOTAL FIGURE OF 1,600 FOR THOSE PRESENTLY IN JAIL ON OTHER THAN COMMON CRIMINAL CHARGES IS SOMEWHAT LESS THAN THE COUNT OF 1,800 WHICH OUR CONSUL MADE WHEN HE VISITED THE PRISONS EARLY LAST MONTH. ON THE OTHER HAND OUR ARGENTINE SOURCE'S ESTIMATE OF ABOUT 1,000 AT THE END OF THE YEAR COINCIDES WITH A PROJECTION MINISTER OF INTERIOR HARGUINDEGUY MADE TO A WESTERN EUROPEAN AMBASSADOR LAST WEEK. (ON JANUARY 1, 1979 WE ESTIMATED THE PRISON POPULATION AS APPROXIMATELY 2,200-2,300.) IF THE GOA DOES ACHIEVE A REDUCTION IN UNCHARGED PEN PRISONERS TO 300 BY THE END OF THE YEAR IT WOULD FULFILL A PREDICTION MADE TO GENERAL GOODPASTER. INDICATIONS ARE THAT THE GOA DOES INDEED INTEND TO MAKE THESE REDUCTIONS,

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PAGE 03 BUENOS 04729 092104Z

THOUGH WE SHOULD REMEMBER THAT THERE HAVE BEEN MANY SLIPS IN THE PAST BETWEEN PROMISE AND FULFILLMENT FROM THE GOA. CASTRO

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Current Class: [REDACTED]

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